

STATE OF INDIANA)
)ss:
COUNTY OF MONROE)

IN MONROE CIRCUIT COURT

IN THE MATTER OF)
PROPOSED LOCAL RULES)

NOTICE OF PROPOSED LOCAL COURT RULE AMENDMENT

The Monroe Circuit Court hereby gives notice to the bar and the public that the Court proposes to amend the Local Rules specific to the Administration of the Youth Services Bureau, Transcripts- pursuant to Administrative Rule 15, and Court Alcohol and Drug Program User Fees.

WHEREAS, the Board of Judges has approved the inclusion of the Youth Services Bureau in the Circuit Court's Administration Rules and

WHEREAS, the Board of Judges has approved the proposed increase in Transcription fees and Court Alcohol and Drug Program User Fees, and

WHEREAS, the Board of Judges recommends the aforementioned changes be effective **January 1, 2011**

Pursuant to Trial Rule 81 (B), **comments** may be made to Bonnie Austin, Monroe Circuit Court, 301 North College Avenue, Bloomington, IN 47404, **until July 1, 2010.**

Comes now, the Presiding Judge on behalf of the Monroe Circuit Court Board of Judges and requests the Supreme Court approve LR53-AR15-0132; Transcripts, proposed administrative rules to include the Youth Services Bureau and Court Alcohol and Drug Program User Fees as submitted.

Submitted on this 1st, day of June, 2010 for the Judges of Monroe County.

_____/S/_____
Kenneth G. Todd, Presiding Judge
Judge, Monroe Circuit Court Division III

LR53-AR00-0100 EXECUTIVE ORGANIZATION

Updated 03/19/10

- A. Board of Judges. The nine (9) judges of the Monroe Circuit Court shall constitute the Board of Judges.
- B. Presiding Judge. The Board of Judges shall select from amongst them a Presiding Judge whose one-year term shall begin January 1st. The Presiding Judge shall, as delegated by the Board of Judges:
1. Prepare proposed local rules as are required to expedite and facilitate the court business;
 2. Insure efficient operation of the court system and compliance with local rules; reassigns cases to any judge division as needed;
 3. Maintain and distribute to other judges the bond schedule, caseload allocation schedules, juror excusal policy and other items necessary for the operation of the court system;
 4. Provide general direction and supervision of the court administrative offices; chair a management team to discuss administrative issues;
 5. Submit the annual budget for the court system to the Board of Judges for approval;
 6. Provide liaison between the Court, government, and civic agencies;
 7. Recommend appointments as specified in IC 33-4-10-5(1) and by local ordinance for approval by the Board of Judges;
 8. Develop and implement an orientation program for new judges and magistrates;
 9. Preside over the Board of Judges meetings and direct the preparation of the agenda and minutes of the meetings;
 10. Allocate courtrooms and ancillary space for efficient administration of court business;
 11. When absent, designate the past Presiding Judge, if available, to serve as acting Presiding Judge. If the past Presiding Judge is unavailable, designate one of the other available judges as acting Presiding Judge;
 12. Perform other duties as directed by the Board of Judges, or as set out in these Rules.

- C. Monthly Meeting. The Board of Judges shall meet at least monthly to make policy decisions, provide education reports, and review operations of the court system. The Director of Court Services, the Chief Probation Officer, and the Youth Services Bureau Executive Director shall be required to attend these meetings and participate in discussions. ~~The Chief Probation Officer and a Court Reporter representative may attend the meetings to make a monthly report.~~
- D. Spring Meeting. Each spring the Board of Judges, the Director of Court Services, the Chief Probation Officer, and the Youth Services Bureau Executive Director shall attend an extended meeting to discuss:
1. Budget requests for the next annual budget;
 2. Evaluation of judicial performance;
 3. Matters requiring extended discussion.
- E. Fall Meeting. Each fall the Board of Judges and the Director of Court Services, the Chief Probation Officer, and the Youth Services Bureau Executive Director shall attend an extended meeting to discuss:
1. Selection of the next Presiding Judge;
 2. Implementation of the next annual budget;
 3. Allocation of caseload;
 4. The Annual Report;
 5. Performance of the Office of Court Services, the Probation Department and the Youth Services Bureau.
- F. Decisions. Decisions on all court system issues and these rules shall be made by a vote of the majority of the Board of Judges.

LR53-AR00-0101 PROCEDURE FOR LOCAL RULES

- A. The Presiding Judge shall submit proposed rules to the Monroe County Bar for consideration and recommendation.
- B. After adoption by the Board of Judges the rules shall be published and distributed to:
 - 1. The Board of Judges of the Monroe Circuit Court;
 - 2. The Clerk of the Supreme Court and the Court of Appeals of Indiana;
 - 3. The Indiana State Court Administrator;
 - 4. The Clerk of the Monroe Circuit Court;
 - 5. Members of the Monroe County Bar Association.

LR53-AR00-0102 PRESIDING JUDGE EXPENDITURES

The Presiding Judge may approve capital expenditures up to \$1,500 without further consideration by the Board of Judges.

LR53-AR00-0103 MANAGEMENT TEAM

Updated 03/19/10

The Presiding Judge will chair Management Team meetings with the Director of Court Services, and the Chief Probation Officer, and the Youth Services Bureau Executive Director. Members of the Board of Judges shall be advised of the time and place of meetings and may attend.

LR53-AR00-0114 FISCAL MANAGEMENT

Updated 03/19/10

- A. Board of Judges.
 - 1. Budgets. The Board of Judges shall direct the preparation of on unified budget for all divisions of the Court, the Probation Department, and the Office of Court Services to be funded from the county general fund upon approval of the County Council. The Board of Judges shall further direct the preparation of additional budgets for programs funded by user fee income and grants, including all Youth Services Bureau budgets, for approval by the County Council.

2. Annual Procedure. Each year the Board of Judges shall establish a schedule for budget preparation, review, and submission with the goal of providing for the effective functioning of the court as follows:
 - a. Each judge, the Chief Probation Officer, and the Director of Court Services shall submit written budget requests to the Financial Coordinator in the Office of Court Services. These requests shall be specific and well-justified in light of the past year's expenditures and the future needs of the offices.
 - b. The Board of Judges shall meet to review the budget requests and may request further discussion from the chief Probation Officer, the Director of Court Services, or any other employee.
 - c. The Board of Judges shall establish budget priorities and guidelines for allocation of individual line items in the budget and shall direct the Director of Court Services to prepare budget proposals for submission to the County Council.

B. Office of Court Services/Probation/Youth Services Bureau.

1. Budgets. The Director of Court Services, the Chief Probation Officer, and the Youth Services Bureau Executive Director shall prepare budget proposals established by the Board of Judges for submission to the County Council for approval.
2. Claims. All claims shall be submitted to the Financial Coordinators ~~for~~ after review by the Director of Court Services, the Chief Probation Officer, and the Youth Services Bureau Executive Director for compliance with the budgetary policies and guidelines of the Board of Judges. The Financial Coordinators shall forward all payroll claims and all purchase, travel, and training claims consistent with the Board's policies and guidelines as authorized by the Director of Court Services, the Chief Probation Officer, and the Youth Services Bureau Executive Director to the Auditor's Office for payment. The Director of Court Services, the Chief Probation Officer, and the Youth Services Bureau Executive Director must submit any claim exceeding budgetary guidelines or otherwise inconsistent with the Board's policies ~~must be submitted~~ to the Board for approval.
3. Transfers within Budget Categories. ~~If~~ The Director of Court Services, the Chief Probation Officer, and the Youth Services Bureau Executive Director with the assistance of the Financial Coordinators may determine that a transfer is necessary within budget categories, ~~the Presiding Judge should approve transfers within the budget prior to submission to the Auditor's Office.~~

4. Transfers between Budget Categories. The Presiding Judge should approve transfers between budget categories as necessary. A written proposal shall be submitted to the Board of Judges for approval prior to submission to the County Council for approval.
5. Additional Appropriations. If the Director of Court Services, the Chief Probation Officer, or the Youth Services Bureau Executive Director with the assistance of the Financial Coordinators determines that an additional appropriation is necessary, a written proposal shall be submitted to the Presiding Judge prior to submission to the County Council.
6. Mandate. No individual judge shall exercise mandates for the adequate provision of court services, personnel, or other expenditures.
7. Compliance with laws. The Presiding Judge, the Director of Court Services, the Chief Probation Officer, the Youth Services Bureau Executive Director and the Financial Coordinator shall closely monitor all budget submissions, claims, expenditures, and other financial records to assure strict compliance with all laws, rules, and regulations.

LR53-AR00-0116 PERSONNEL

Updated 03/19/10

A. General Organization. The Monroe Circuit Court employs personnel as follows:

1. Court Division:
 - Commissioner
 - Official Court Reporters
 - Associate Court Reporters
 - Law Clerks
2. Probation Department:
 - Chief Probation Officer
 - Deputy Chief Probation Officers
 - Probation Supervisor
 - Probation Officers
 - Program Staff
 - Field Officers
 - Clerical Staff

3. Office of Court Services:
Director of Court Services
Deputy Court Administrator
Case Management Coordinator
Financial Coordinator
Public Service Coordinator
Family Court Coordinator
Shared Court Reporters
Bailiffs

4. Youth Services Bureau:

Executive Director
Assistant Director
Shelter Care Coordinator
Residential Coordinators
Residential Specialists
Clinical Coordinator
Case Manager
Project Safe Place Coordinator
Clinicians
Office Manager
Secretary/Receptionist

- B. Court Divisions. The Monroe Circuit Court shall have 9 court divisions. The judge of each court division shall have the sole authority to employ an Official Court Reporter, two Associate Court Reporters, and a Law Clerk, to serve at the pleasure of the judge. The Official Court Reporter of a division shall supervise the Associate Court Reporters and Law Clerks if so directed by the division's presiding judge.
- C. Probation Department. The Board of Judges shall have the sole authority to employ Probation Department personnel and to terminate their employment. All employees of the Probation Department serve at the pleasure of the Board of Judges. The Board of Judges shall advertise the position of Chief Probation Officer and interview and screen applicants for that position. The Chief Probation Officer shall advertise any other available probation position and interview and screen applicants as directed by the Board of Judges. The Board of Judges has authorized the Chief Probation Officer to make final hiring decisions regarding Probation Department positions. As directed by the Board of Judges, the Chief Probation Officer shall supervise employees of the Probation Department and may delegate certain supervisory responsibilities to the staff and other employees.

- D. Office of Court Services. The Board of Judges shall have the sole authority to employ personnel for the Office of Court Services and to terminate their employment. All employees of the Office of Court Services serve at the pleasure of the Board of Judges. The Director of Court Services shall advertise an available position and interview and screen applicants as directed by the Board of Judges. The Board of Judges has authorized the Director of Court Services to make final hiring decisions regarding Office of Court Services positions. Employees of the Office of Court Services shall be supervised by the Director of Court Services.
- E. Youth Services Bureau Executive Director. The Board of Judges shall have the sole authority to employ personnel for the Youth Services Bureau and to terminate their employment. All employees of the Youth Services Bureau serve at the pleasure of the Board of Judges. The Youth Services Bureau Executive Director shall advertise an available position and interview and screen applicants as directed by the Board of Judges. Employees of the Youth Shelter Bureau shall be supervised by the Youth Shelter Bureau Executive Director.

LR53-AR00-0117 STAFF INTRODUCTIONS

Updated 03/19/10

The Director of Court Services, the Chief Probation Officer, and the Youth Services Bureau Executive Director shall introduce new staff to the Board of Judges and submit copies of their resumes to the Board upon request.

LR53-AR00-0118 EVALUATIONS

Updated 08/01/09

- A. Staff of the Probation Department is evaluated on an annual basis. The evaluation includes a job performance development plan for each employee.
- B. New probation department employees are on a probationary status for 6 months and are evaluated monthly. At the end of the probationary period, a formal job performance appraisal is conducted to determine employment, training needs, or other concerns.
- C. The staff of the Office of Court Services will be evaluated in the spring of each year by the Director of Court Services.
- D. The Director of Court Services, the Chief Probation Officer, and the Youth Services Bureau Executive Director will be evaluated annually by the Board of Judges.

LR53-AR00-0120 STAFF HIRING

Updated 03/19/10

- A. The Board of Judges has authorized the Chief Probation Officer to make final hiring decisions regarding Probation Department positions.
- B. The Board of Judges has authorized the Director of Court Services to make final hiring decisions regarding Office of Court Services positions.
- C. After the Director of Court Services, ~~and~~ the Chief Probation Officer, and the Youth Services Bureau Executive Director interview applicants and choose the final candidate for a position, they shall notify the Board of Judges in writing or by electronic mail of applicant's hiring, including a copy of the applicant's resume upon request.

LR53-AR00-0121 PERSONNEL RECORDS

Updated 03/19/10

- A. The Director of Court Services shall maintain a personnel file on each court staff member and judges which would include, but not be limited, to hire date, pay rate, and emergency information.
- B. The Judges, Director of Court Services, ~~and~~ Chief Probation Officer, and the Youth Services Bureau Executive Director shall maintain ~~staff timesheets for a minimum of 3 years~~ personnel records.

LR53-AR00-0126 TRAVEL POLICY

Updated 03/19/10

The Director of Court Services, ~~and~~ the Chief Probation Officer, and the Youth Services Bureau Executive Director may approve training requests not exceeding \$500/person/training. Any request above \$500 must be approved by the Presiding Judge.

LR53-AR00-0127 ADMINISTRATIVE PROCEDURES

Updated 03/19/10

- A. Management Team. The Director of Court Services, the Chief Probation Officer, [the Youth Services Executive Director](#) and the Presiding Judge, shall constitute a management team for administrative issues. The team coordinates personnel policy and fiscal issues, identifies issues or procedures that may impact outside specific divisions, maintains consistency on administrative issues among the divisions, and addresses other issues and projects within the discretion of the Presiding Judge.
- B. Purpose. The Management Team may advise the Board of Judges on administrative procedures and policy matters. These bodies shall assist in assuring that there is full communication between the Board of Judges and the employees of the Monroe Circuit Court on issues affecting the court system.
- C. Committees. The Board of Judges may appoint a minimum of 5 employees to serve on each of the following committees:
 - 1. Job Classification Committee. This committee shall make written recommendations to the Board of Judges concerning personnel classifications and compensation, and their budgetary consequences.
 - 2. Personnel Policy Committee. This committee shall make written recommendations to the Board of Judges concerning the existing personnel policy and proposed amendments thereto.
 - 3. Procedures committee. This committee shall make written recommendations to the Board of Judges concerning system procedures and training programs.
 - 4. Other committees. Other committees may be established by the Board of Judges.
- D. Procedure. Issues concerning policies and procedures of the Monroe Circuit Court may be presented by an employee or a group of employees to the management team. If the employee(s) is not satisfied with the management team resolution, the management team shall direct the matter to the Board of Judges for resolution. The Board of Judges may refer issues to an appropriate committee for a recommendation to resolve issues.

LR53-AR15-0132 TRANSCRIPTS

Updated 05/13/10

A. Definitions. The following definitions shall apply under this local rule:

1. A ***Court Reporter*** is a person who is specifically designated by a court to perform the official court reporting services for the court including preparing a transcript of the record in a given case before the court.
2. ***Equipment*** means all physical items owned by the court or other governmental entity used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes and any other device used for recording, storing, and transcribing electronic data.
3. ***Work space*** means that portion of the court's facilities dedicated to each court reporter, including but not limited to, actual space in the courtroom and any designated office space.
4. ***Page*** means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.
5. ***Recording*** means the electronic, mechanical, stenographic, or other recording made as required by Indiana Rule of Trial Procedure 74.
6. ***Regular hours worked*** means those hours which a division of the court is regularly scheduled to work during any given work week. Depending on the schedule of the court and its flex schedule for court reporters, these hours may vary from division to division of the court, within the county but remain the same for each work week.
7. ***Gap hours worked*** means those hours worked that are in excess of the regular hours worked but hours not in excess of 40 hours per work week.
8. ***Overtime hours*** means those hours worked in excess of 40 hours per work week.
9. ***Work week*** means a 7 consecutive day week defined by the County's payroll schedule which consistently begins and ends on the same day throughout the year; i.e. Sunday through Saturday, Wednesday through Tuesday, or Friday through Thursday.
10. ***Court*** means the Monroe Circuit Court and Division means the particular division of the Court for which the court reporter performs services. Court may also mean all of the divisions of the Monroe Circuit Court.
11. ***County indigent transcript*** means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.

12. ***State indigent transcript*** means a transcript that is paid for from state funds and is for the use on behalf of a litigant who is declared indigent by a court.
13. ***Private transcript*** means a transcript, including but not limited to, a deposition transcript that is paid for by a private party. A transcript required within 14 days of the request is a category 1 expedited private transcript. A transcript required within 30 days of the request is a category 2 expedited private transcript. A transcript required within 45 days of the request is a category 3 expedited private transcript.
14. ***Volume*** applies to Appellate Court bound transcripts. Each volume is to be limited to 250 pages. The table of contents is to be a separate volume and the exhibits are to be included in a separate bound volume (or volumes if more than 250 pages).

A. Section Two. Salaries and Per Page Fees.

1. Court Reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising Judge during any regular work hours, gap hours or overtime hours. The Monroe Circuit Court shall enter into a written agreement with the court reporters which outlines the manner in which the court reporter is to be compensated for gap and overtime hours; i.e. monetary compensation or compensatory time off regular work hours.
2. The maximum per page fee a court reporter may charge for the preparation of a routine county indigent transcript shall be ~~\$2.50~~ **\$3.00**. The court reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts. **The court reporter shall not charge a fee for copies of an indigent transcript when the preparation of same has already been paid by the county. The court reporter shall not charge for copies of a prepared indigent transcript requested by a Court appointed entity (i.e. CASA, GAL) when the preparation of same has already been paid by the county.**
3. The maximum per page fee a court reporter may charge for the preparation of a non-appellate state indigent transcript shall be ~~\$2.50~~ **\$3.00**.
4. The maximum per page fee a court reporter may charge for the preparation of a non-appellate private transcript shall be ~~\$3.50~~ **\$4.00**. **The per page fee a court reporter may charge for a copy of a prepared transcript shall be \$2.00.** The maximum per page fee a court reporter may charge for the preparation of a category 1 expedited private transcript shall be ~~\$7.00~~ **\$7.50**. The maximum per page fee a court reporter may charge for the preparation of a category 2 expedited private transcript shall be ~~\$6.00~~ **\$6.50**. The maximum per page fee a court reporter may charge for the preparation of a category 3 expedited private transcript shall be ~~\$5.00~~ **\$5.50**. Category 1, category 2 and category 3 expedited private transcripts are defined in Section 1, ~~Paragraph M~~ **definition #13**.

5. Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of county indigent, state indigent, or private transcripts to the Indiana Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of the State Court Administration.

B. Section Three. Private Practice.

1. If a court reporter elects to engage in private practice by recording a deposition and/or preparing a deposition transcript, outside of and in addition to his or her official duties for the court, and the court reporter desires to utilize the court's equipment, work space and supplies, and the court agrees to the use of the court equipment for such purpose, the court and the court reporter shall enter into a written agreement which must, at a minimum, designate the following:
 - a. The reasonable market rate for the use of equipment, work space and supplies;
 - b. The method by which records are to be kept for the use of equipment, work space and supplies; and
 - c. The method by which the court reporter is to reimburse the court for the use of the equipment, work space and supplies.
2. If a court reporter elects to engage in private practice though the recording of a deposition and/or preparing of a deposition transcript, all such private practice work shall be conducted outside of regular working hours.

C. Section Four. Appellate Court Transcripts.

1. The maximum per page a court reporter may charge for the preparation of an appellate indigent transcript is ~~\$3.00~~ \$3.50.
2. The maximum per page fee a court reporter may charge for the preparation of an appellate private transcript shall be ~~\$4.00~~ \$4.50.
3. A minimum fee of \$35.00 per transcript may be charged for small transcripts but not in addition to the per page fee.
4. The Index and Table of Contents shall be charged at the same per page rate as the body of the transcript.
5. Labor charge may be assessed at the same rate as the Official Court Reporter's hourly salary for time spent binding the transcript and exhibits.
6. In addition, a reasonable market rate for office supplies may be charged for private appellate transcripts as designated in the Schedule of Supplies.

LR53-AR00-0153 COURT ALCOHOL AND DRUG PROGRAM USER FEES

Updated 04/06/2010

- A. The Criminal Division of the Monroe Circuit Court has set the following schedule of fees pursuant to the authority granted by IC 12-23-14.
- B. Court Alcohol and Drug Program Schedule of Fees:
1. Assessment, Referral, and Monitoring: ~~\$200~~ \$300 for misdemeanor conviction; \$400 for felony conviction.
 2. Assessment, Referral, and Monitoring for other jurisdictions: ~~\$200~~ \$300 for misdemeanor conviction; \$300 for felony conviction.
 3. Transfer out fee: \$100.
 4. Alcohol Education School fee: \$75.
 5. Prime for Life Course: ~~\$125.~~ 12 Hour -\$170.00, 16 Hour- \$220.00
- C. All Court Alcohol and Drug Program Fees are payable to Clerk of the Court.

LR53-AR00-0155 YOUTH SERVICES BUREAU

Added 03/19/10

- A. Establishment. The Monroe County Youth Services Bureau was established in compliance with IC 31-31-8.
- B. Transfer of Authority. The Monroe County Board of Commissioners transferred its authority regarding the Youth Services Bureau to the Monroe County Board of Judges effective July 5, 2010. Monroe County Code 420-1.
- C. Youth Services Bureau Executive Director. The Executive Director for the Youth Services Bureau is responsible for implementing the policy directions and goals of the Youth Services Bureau, including securing and administering department funds, supervising development and operations of programs and services, and supervising personnel.
- D. Citizen Advisory Board. A Citizen Advisory Board representing the needs of children and youth will meet with the Judge of the Monroe Circuit Court and/or the Youth Services Bureau Executive Director on a regular basis in accordance with IC 31-31-8-6. This Board shall be advisory in nature and have no legal authority or responsibility for the operation of the Bureau.